

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ARIA DIAGNOSTICS, INC.,
Plaintiff-Appellee,

v.

SEQUENOM, INC.,
Defendant-Appellant.

2012-1531

Appeal from the United States District Court for the
Northern District of California in case no. 11-CV-6391,
Judge Susan Illston.

ON MOTION

Before DYK, *Circuit Judge.*

O R D E R

Sequenom, Inc. moves for the court to take judicial notice of a published United States patent application. Aria Diagnostics, Inc. opposes.

Judicial notice may be appropriate with respect to public documents since they are generally known or capable of accurate and ready determination by resort to sources

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whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201. However, the relevance of such materials is left to the discretion of the merits panel.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear this case

FOR THE COURT

SEP 28 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Michael J. Malecek, Esq.
David Isaac Gindler, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SEP 28 2012

JAN HORBALY
CLERK